

EXHIBIT 12

Memorandum of Activity

Case Number: I16A0120900	Office: Region 5 - Western (San Francisco)	Type of Activity: Interview
Date of Activity: 02/07/2024	Date Report Drafted: 02/09/2024	Location of Activity: 880 Front Street San Diego CA
Subject of Activity: PALOMINO BENITEZ, GONZALO FABRICIO	Activity Conducted By (Name(s)): Reggie Lee	Signature: R L

On February 7, 2024, Fabricio Palomino (Palomino), former skydiver, Parachute Center, was interviewed by Special Agents Reggie Lee and Richard Ficarelli, U.S. Department of Transportation, Office of Inspector General at the Federal Building, 880 Front Street, San Diego, CA. Also present were Assistant U.S. Attorneys Kate Lydon and Dhruv Sharma, U.S. Attorney's Office, Eastern District of California. In addition to the previous statement, Palomino provided the following information:

Palomino has owned Skydive Baja for the last 13 years located in Encinitas, Mexico. In addition to Skydive Baja, he operates a sailboat rental business. Palomino has accumulated more than 10,000 jumps in his skydiving career. Mexico does not require a U.S. Parachute Association (USPA) or United Parachute Technologies (UPT) rating. However, Palomino prefers that his Tandem Instructors have the rating, which he markets at his business.

Palomino first reached out to the Parachute Center and was referred to Rob Pooley (Pooley).

Palomino was already a USPA member at the time with a coach rating and a D license.

When Palomino arrived at the Parachute Center, Pooley did not show up. Pooley reportedly had an issue with his girlfriend and told Palomino via text message that he was unavailable to provide training. Palomino's cellular phone provider is Telcel; however, he no longer has the cell phone he had used to communicate with Pooley. Pooley told Palomino to complete his jumps with Mike Spurgeon (Spurgeon) and that Pooley would return to the Parachute Center on the last day of training to complete his (Palomino's) paperwork.

Palomino was the only student in his class. Palomino completed his jumps with Spurgeon who also provided Palomino with training on emergency procedures. The very first jump with Spurgeon was problematic. There was a tension knot that required Palomino to cut away from his main chute and pull his reserve. Palomino hesitated because if the reserve chute malfunctioned, they would not have survived.

Palomino believed Pooley had his Tandem Instructor Examiner rating since he was the one providing detailed information about the course. Palomino noted that "everyone knew" Rob was an Instructor Examiner. Palomino also noted the email correspondence with Pooley. Palomino was aware only a trainer with an "Examiner" rating could teach the course. Palomino reviewed the reading materials prior to arriving at the Parachute Center. Spurgeon or Pooley never checked Palomino's FAA medical certificate, logbook, or USPA's D license.

On the last day of training, Pooley showed up to collect Palomino's cash and Palomino conducted his last tandem jump with Pooley. Pooley collected the payment from Palomino. He paid approximately \$1,100 for the training in cash. \$950 went to Spurgeon and the difference was split between Bill Dause (Dause) and Pooley.

After completing his written test, Pooley provided USPA and UPT paperwork to Palomino. He (Palomino) noticed the paperwork had already been signed by Yuri (Yuri). Pooley had several copies of paperwork with Yuri's

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Palomino recalled Yong Kwon (Kwon) jumping with paying customers at the Parachute Center. Palomino believed he left the Parachute Center a few days before Kwon's accident.

Carlos Obaid (Obaid) was at the Parachute Center. Obaid later came to Skydive Baja to work as a Tandem Instructor.

After returning to Mexico, Palomino checked the status of his paperwork on USPA's website. Palomino also contacted Sheryl at USPA to check the status of his rating. Pooley later told Palomino that Pooley could not submit his paperwork to USPA and UPT. Palomino stated he felt defrauded by Pooley because he promised a rating that he (Pooley) could not provide.

Palomino complained to Dause, but Dause responded that Pooley was an independent contractor. Palomino felt Pooley was selling a service he was not certified to provide. After not getting his Tandem Instructor rating with Pooley, Palomino retrained with Rich Gann at Skydive San Diego in December 2017. Palomino later received re-certification training with Jay Stokes.

Palomino reviewed the following exhibits:

POOLEY_00002515 - Palomino was reaching out to get additional information to attain his Tandem Instructor rating.

POOLEY_00020940 - Palomino wanted his money back and threatened to sue Pooley.

POOLEY_00002503- 00002514 - Palomino learned of Kwon's death through word of mouth. The news of Kwon's death quickly spread throughout the skydiving community. Palomino learned that Kwon's reserve chute got tangled with his drogue. Palomino also recalled his conversation with Yuri.

Palomino emailed the following attachments:

- Facebook message to Pooley - Palomino explained that he provided his mailing address to Pooley so that Pooley could submit his paperwork with his address
- 2 Facebook photos - Palomino stated Julia Matveeva, a Russian skydiver, and Melina Makinen (Makinen), a Swedish skydiver, both attended Pooley's "scam package." Both women told Palomino they were scammed by Pooley. The photo depicted Palomino conducting a tandem skydive with Makinen.

Palomino was provided with a trial subpoena with witness/victim coordinator contact information.

Reviewed By (Initials): J S Date: 04/15/2024